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Security Council

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Letter dated 4 May 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit the attached communication, dated 25 April 2012, which I received from Mr. Jean Ping, Chairperson of the African Union Commission, forwarding a report and communiqués on the situation in Guinea-Bissau and Mali and, on relations between the Sudan and South Sudan, adopted by the African Union Peace and Security Council at its 319th meeting, held in Addis Ababa on 24 April 2012 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 25 April 2012 from the Chairperson of the African Union Commission addressed to the Secretary-General

I am forwarding herewith the communiqués on the situation in Guinea-Bissau and Mali, as well as on relations between the Sudan and South Sudan, which were adopted by the Peace and Security Council at its ministerial meeting held on 24 April 2012. I am also attaching herewith the report I submitted to the meeting of the Council.

The above-mentioned situations are of utmost concern to the African Union, the United Nations and the international community as a whole. Each situation poses a serious threat to regional and international peace and security. It is therefore critical that we pool our efforts to address them as effectively as possible. Allow me, in this respect, to express the appreciation of the African Union to the Security Council and to yourself for the support extended to its efforts to find the required solutions to these issues and to overcome the challenges involved. In particular, the statements issued by the Security Council contributed greatly to sending a unified and consistent message to the parties concerned.

Regarding, in particular, the situation between the Sudan and South Sudan, coordinated and urgent action is needed to defuse the current tension and to ensure the implementation of existing agreements and the resumption of negotiations on outstanding issues pertaining to post-secession relations. The attached communiqués of the Peace and Security Council articulate a road map to that end. Security Council support to, and endorsement of, the steps envisaged will go a long way in enhancing ongoing efforts to address the crisis. I have no doubt that we can count on the continued support of the United Nations.

I would be most grateful if you could share the present letter and its attachments with the members of the Security Council for their information and action, as appropriate.

(*Signed*) Jean **Ping**

Enclosure 1

Communiqué on the situation in Guinea-Bissau

[Original: English]

The Peace and Security Council of the African Union, at its 319th meeting held at the ministerial level, on 24 April 2012, adopted the following decision on the situation in Guinea-Bissau:

Council,

1. Takes note of the paragraphs on Guinea-Bissau contained in the report of the Chairperson of the Commission on the situation in Guinea-Bissau, Mali and the situation between the Sudan and South Sudan [PSC/MIN/3 (CCCXIV)]. Council also takes note of the statements made by Côte d'Ivoire, in its capacity as the Chair of the Economic Community of West African States (ECOWAS), the ECOWAS Commission and Angola, in its capacity as the Chair of the Community of Portuguese-speaking Countries (CPLP), as well as by other AU bilateral and multilateral partners;

2. Reaffirms the provisions on unconstitutional changes of Government contained in the AU Constitutive Act, the Protocol Relating to the Establishment of the Peace and Security Council and Chapter VIII of the African Charter on Democracy, Elections and Governance, as well as the ECOWAS Protocol on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;

3. Endorses the press statements issued by the Chairperson of the Commission on the situation in Guinea-Bissau on 13, 14 and 19 April 2012, and commends him for his efforts. Council recalls and reaffirms the terms of communiqué PSC/PR/COMM (CCCXVIII) adopted on the occasion of its 318th meeting held on 17 April 2012;

4. Reaffirms the principles of subsidiarity and, in this respect, endorses the decisions of ECOWAS, in particular the deployment of a stabilization mission, welcomes the commitment and dynamism of ECOWAS in dealing with the crisis in Guinea-Bissau, and expresses its support to the mediation conducted by the Republic of Guinea. Council expresses appreciation to the CPLP, for its principled position on the situation, to the United Nations Secretary-General and the Security Council, welcoming the latter's statement to the press and presidential statement of 13 and 21 April 2012, respectively, as well as to the European Union (EU). Council further welcomes the position adopted by the International Organization of la Francophonie (OIF) and its decision to suspend the participation of Guinea-Bissau in its activities until the restoration of constitutional order;

5. Reiterates its strong condemnation of the coup d'état perpetrated on 12 April 2012, with the specific intent to stop the electoral process under way, with the non-organization of the second round of the presidential election on 29 April 2012, and totally rejects "the Protocol on the establishment and management of the constitutional and democratic order", which created the so-called "Transitional National Council", signed on 18 April 2012, between the "Military command" and

political parties of the minority parliamentary opposition. Council notes that this "Protocol" is a vain and unacceptable attempt to legitimize the coup d'état;

6. Reiterates the concern of the AU about the recurrence of illegal and unacceptable interference of the army in the political life of Guinea-Bissau, which hinders all efforts to stabilize the country, the fight against impunity and drug trafficking, and the promotion of socioeconomic development. Council stresses the duty of Africa, through the AU and ECOWAS, with the support of the United Nations, the CPLP and other members of the international community, to ensure that the coup d'état of 12 April 2012 fails and to put an end to the destabilizing actions of the army in Guinea-Bissau;

7. Reiterates the demand for the restoration, without further delay, of constitutional order, and completion of the electoral process that began with the first round of the presidential election held on 18 March 2012, which was deemed to be credible, free and fair by all international observer missions, including those of the AU and ECOWAS. Council also reiterates its demand for the immediate and unconditional release of the Acting President of the Republic, Raimundo Pereira, Prime Minister Carlos Gomes Junior, and other political personalities sequestrated by the military, including respect for their dignity and physical integrity;

8. Requests the Commission, in view of the refusal of the coup perpetrators to respond positively to the calls from the AU, ECOWAS, CPLP and the United Nations Security Council and other members of the international community for the restoration of constitutional order, to compile and disseminate to all Member States, after appropriate consultations, the list of the members of the military junta and their military and civilian supporters for application of the individual measures mentioned in paragraph 6 of communiqué PSC/PR/COMM (CCCXVIII). Council calls on all Member States to fully implement these sanctions. Council further requests the Commission to expedite, in consultation with ECOWAS, the finalization of its proposals on additional sanctions to be imposed on members of the junta and their military and civilian supporters;

9. Requests the United Nations Security Council, pursuant to the relevant paragraph of its presidential statement of 21 April 2012, to support these sanctions. Council also urges the European Union, CPLP, OIF and the Organization of the Islamic Cooperation (OIC) and other bilateral and multilateral partners to support the measures taken by ECOWAS and the AU;

10. Requests the Chairperson of the Commission to urgently convene, in the context of a Multilateral Consultation and Coordination Framework on the Stabilization of Guinea-Bissau, a meeting that will bring together all stakeholders, in particular ECOWAS, CPLP, the United Nations and the EU, to develop a comprehensive strategy, with a view to facilitating a speedy and lasting solution. Council stresses that this strategy should have, as its priority objective, the restoration of constitutional order in Guinea-Bissau, as soon as possible, by using all appropriate means, and would notably cover the defence and security sector reform, the deployment of a stabilization mission to continue the work undertaken as part of the ECOWAS-CPLP road map, the fight against drug trafficking and impunity and other related aspects, including the development of the country. Council expresses its intention to consider this strategy as quickly as possible for endorsement, before submission to the United Nations Security Council and to other multilateral partners

concerned so as to mobilize the necessary support and facilitate its effective implementation;

11. Requests the Chairperson of the Commission to transmit this decision to the United Nations Security Council and other AU partners and to keep it regularly informed of the progress made in its implementation;

12. Decides to remain actively seized of the matter.

Enclosure 2

Communiqué on the situation in Mali

The Peace and Security Council of the African Union (AU), at its 319th meeting held at ministerial level, on 24 April 2012, adopted the following decision on the situation in the Republic of Mali:

Council,

1. Takes note of the paragraphs on the situation in Mali contained in the report of the Chairperson of the Commission on the situation in Guinea-Bissau, Mali and the situation between the Sudan and South Sudan [PSC/MIN/3 (CCCXIX)], and the statements made by representatives of the Economic Community of West African States (ECOWAS) and the core countries, as well as by the United Nations and other bilateral and multilateral partners;

2. Recalls its previous communiqués on the situation in Mali, particularly communiqués PSC/MIN/COMM (CCCXIV), PSC/PR/COMM (CCCXV) and PSC/PR/COMM (CCCXVI) adopted on the occasion of its 314th, 315th and 316th meetings held on 20 and 23 March, and 3 April 2012, respectively. Council reaffirms the contents of these communiqués;

3. Welcomes the encouraging developments in Mali regarding the restoration of constitutional order, including the signing, on 6 April 2012, of the Framework Agreement for the Implementation of the Solemn Commitment of 1 April 2012, the appointment of the interim President, Mr. Dioncounda Traore, and that of the Prime Minister of the Transition, Cheick Modibo Diarra. Council stresses the need for all parties in Mali to work in good faith towards the implementation of the commitments made. Council, concerned about the recent arrests of political and military personalities, recalls the imperative for the scrupulous respect for civil liberties and strongly condemns all attempts to intimidate and harass political and other personalities;

4. Commends ECOWAS for its tireless efforts to find a solution to the crisis in Mali. In particular, Council expresses its appreciation to President Alassane Ouattara of Côte d'Ivoire, current Chairman of ECOWAS, and President Blaise Compaoré of Burkina Faso, Mediator in the crisis in Mali, for their efforts, and welcomes the action of the representative of the Mediator, Djibrill Yipènè Bassolé, Minister of Foreign Affairs and Regional Cooperation of Burkina Faso, and the representative of the current Chairman of ECOWAS, Mr. Bictogo Adama, Minister for African Integration of the Republic of Côte d'Ivoire;

5. Encourages the Mediator, in close consultation with the AU, to continue and intensify his efforts to ensure the completion of the restoration of constitutional order, in accordance with the relevant AU and ECOWAS instruments. In this context, Council demands that the "National Council for the Recovery of Democracy and the Restoration of the State" (CNRDRE) to refrain from any interference and any role in the political life of the country, given the need for strict compliance with the prerogatives of civil institutions inherent in the constitutional order. The Council underscores the urgent need for the Malian stakeholders, working with ECOWAS and the Mediator, to resolve the outstanding issues, especially the management of the transition, its duration and the prerogatives of the various organs of the transition, after the expiry of the 40 days deadline provided for

in article 36 of the Constitution of February 1992, to avoid a constitutional vacuum in Mali, it being understood that the civilian institutions should have full responsibility for managing the transition, with all the necessary prerogatives in this regard. In this context, Council stresses the opportunity to extend the mandate of the parliamentarians so that the National Assembly could continue to assume its powers during the transitional period;

6. Reiterates its deep concern about the developments in northern Mali and the strong condemnation by the AU of the attacks perpetrated by the armed and terrorist groups against the Malian State, including exactions against the Malian military and their families in Aguelhok, in the north of Mali;

7. Rejects the "declaration of independence made by the National Movement for the Liberation of Azawad", which is null and void. Council stresses that the occupation of any part of the Malian territory by armed criminal and terrorist groups is a threat to international peace and security. Council strongly condemns the taking of hostages by terrorist groups, in particular the abduction of diplomats of the Consulate of Algeria in Gao, Mali;

8. Recalls the provisions of paragraph 7 of the communiqué PSC/MIN/COMM (CCCXIV) by which Council affirmed its determination to actively support the efforts of the neighbouring countries of Mali, particularly the core countries, and ECOWAS mediation, in scrupulous respect of the national unity and territorial integrity of the Republic of Mali;

9. Welcomes the efforts being made by the Chairperson of the Commission to follow up on the relevant decisions of Council. Council requested him to speed up his consultations with all the stakeholders, with the view to finalizing the modalities for the implementation of the process referred to in paragraph 7 above, and facilitating the preparation and implementation of an overall political and security strategy, to address the situation, including modalities for applying the sanctions already imposed against terrorists and armed groups active in northern Mali, in accordance with paragraphs 10 and 12 of communiqué PSC/PR/COMM (CCCXVI), as well as the measures envisaged by ECOWAS on the basis of the relevant provisions of the communiqués issued at the end of its Extraordinary Summits of 27 and 29 March 2012, and the outcomes of the meeting of the Mediation and Security Council of ECOWAS, held in Abidjan on 12 April 2012;

10. Looks forward to the decisions of the Extraordinary Summit of ECOWAS, scheduled in Abidjan on 26 April 2012, and the outcomes of the inaugural meeting of the Support and Follow-up Group, which will take place in Abidjan on 4 May 2012, whose establishment was decided at its 314th meeting, held on 20 March 2012 in Bamako, and whose mandate was extended to the issue of the restoration of constitutional order by the communiqué of its 315th meeting, held on 23 March 2012;

11. Requests the Chairperson of the Commission to submit, within a period of one month, a report on the evolution of the situation and the implementation of this decision, in particular its paragraphs 5 and 8, to enable it to take necessary measures, as appropriate;

12. Decides to remain actively seized of the situation.

Enclosure 3

Communiqué on the situation between the Republic of the Sudan and the Republic of South Sudan

The Peace and Security Council of the African Union (AU), at its 319th meeting held, at ministerial level, on 24 April 2012, adopted the following decision on the situation between the Republic of the Sudan and the Republic of South Sudan:

Council,

1. Takes note of the paragraphs on the situation between the Sudan and South Sudan, as contained in the report of the Chairperson of the Commission on the situation in Guinea-Bissau, Mali and between the Sudan and South Sudan, and the briefing given by former President Pierre Buyoya on behalf of the AU High-Level Implementation Panel (AUHIP). Council also takes note of the statements made by the representatives of the Republic of the Sudan and the Republic of South Sudan, as well as by the Intergovernmental Authority on Development (IGAD), the United Nations and other bilateral and multilateral partners;

2. Recalls the communiqués adopted at its 310th and 317th meetings, held on 14 February and 12 April 2012, respectively, as well as the press statements issued by the Chairperson of the Commission on 11, 17 and 22 April 2012. Council also recalls the communiqué issued by the 3rd meeting of the Sudan-South Sudan Consultative Forum, held in Addis Ababa on 29 March 2012, under the auspices of the AU and the United Nations;

3. Expresses grave concern at the prevailing situation along the border between the Sudan and South Sudan, which poses a serious threat to peace and security in both countries and in the region as a whole, undermines the economic viability of the two countries, as well as the rights and welfare of their citizens;

4. Further expresses deep concern at the humanitarian situation created by the fighting between the Sudan and South Sudan, the aerial bombardments, the continued fighting in the states of Southern Kordofan and Blue Nile, in the Sudan, as well as the fate of the nationals of both countries resident in each other's territory, following the end of the transition period on 8 April 2012;

5. Welcomes the withdrawal from Heglig of the army of South Sudan and calls for the immediate cessation of aerial bombardments by the Sudan Armed Forces against South Sudan.

6. Strongly condemns the violations of human rights of non-combatants in the affected area, the damage to economic infrastructure, in particular oil installations, and the inflammatory statements from both sides in the media resulting in mutual demonization and the threat of hostile action by extremist elements, including xenophobic attacks;

7. Reaffirms its strong commitment to the respect for the unity and territorial integrity of the Sudan and South Sudan and the inviolability of the border between the two countries, defined as that existing at the time of the Sudan's independence on 1 January 1956, taking into account the disputed areas as agreed in the deliberations of the Technical ad hoc Boundary Committee. Council reiterates

that the territorial boundaries of States shall not be altered by force, and that any territorial disputes shall be settled exclusively by peaceful means;

8. Recalls the provisions of the Constitutive Act of the African Union, as well as the Charter of the United Nations, which prohibit the use of force or the threat of force among Member States and call for non-interference in the internal affairs of Member States and for peaceful settlement of all disputes;

9. Welcomes the continuing efforts of Africa and the rest of the international community to support the Parties in addressing the legacy of conflict and bitterness in the Sudan, notably through the conclusion of the January 2005 Comprehensive Peace Agreement (CPA), its implementation, in particular the holding of the referendum on self-determination of South Sudan, and the negotiations on post-secession relations. The Council commends the efforts of the African Union High-Level Implementation Panel (AUHIP), headed by former President Thabo Mbeki and including former Presidents Abdulsalami Abubakar and Pierre Buyoya, the Chairperson of IGAD, Prime Minister Meles Zenawi, the United Nations Special Envoy for the Sudan and South Sudan, Haile Menkerios and the United Nations Interim Security Force for Abyei (UNISFA), under the leadership of Lieutenant General Tesfay Tadesse, as well as the support provided by AU's partners, including the Troika on the Sudan (Norway, the United Kingdom and the United States of America), the members of the Security Council, the European Union (EU) and the League of Arab States;

10. Expresses Africa's dismay and deep disappointment at the failure of the leadership in both countries to build on the goodwill of Africa and the rest of the international community, as well as on the achievements they have already made, to address their post-secession relations, live up to their stated commitment to the principle of two viable States, in peace with one another, and to create the necessary conditions of peace, security and stability to meet the most basic needs of their peoples;

11. Expresses deep concern at the failure of the Parties to implement agreements that they themselves have freely entered into, in particular the Agreement on the Temporary Arrangements for the Administration and Security of the Abyei Area of 20 June 2011, the Agreement on Border Security and the Joint Political and Security Mechanism (JPSM) of 29 June 2011, the Agreement on the Border Monitoring Support Mission of 30 July 2011, the decisions of the JPSM of 18 September 2011, the Memorandum of Understanding on Non-Aggression and Cooperation of 10 February 2012;

12. Decides, in light of the above, to adopt the road map outlined below, for implementation by both the Sudan and South Sudan, in order to ease the current tension, facilitate the resumption of negotiations on post-secession relations and the normalization of their relations:

(i) immediate cessation of all hostilities, including aerial bombardments, with the Parties formally conveying their commitment in this respect to the Chairperson of the Commission, within 48 hours;

(ii) unconditional withdrawal of all of their armed forces to their side of the border, in accordance with previously adopted Agreements, including the Agreement on the Border Monitoring Support Mission of 30 July 2011;

(iii) activation, within a week of the adoption of this decision, of the necessary border security mechanisms, namely the Joint Border Verification and Monitoring Mission (JBVMM) and the Secure Demilitarized Border Zone (SDBZ), in accordance with the administrative and security map presented to the Parties by the AUHIP in November 2011, it being understood that the map in no way prejudices ongoing negotiations on the disputed areas and demarcation of the border. In this respect, Council calls on UNISFA to take the necessary steps to provide force protection and logistical support, in accordance with relevant provisions of United Nations Security Council resolution 2024 (2012);

(iv) cessation of harbouring of, or support to, rebel groups against the other State;

(v) activation of the ad hoc Committee, under the JPSM, to receive and investigate complaints and allegations made by one party against the other. In this regard, Council requests the AUHIP to convene a meeting of the JPSM, within ten (10) days of the adoption of the present decision;

(vi) immediate cessation of hostile propaganda and inflammatory statements in the media, as well as of any attacks against the property, religious and cultural symbols belonging to the nationals of the other State. To this end, the two Governments must take full responsibility for the protection of each other's nationals in line with international principles, as agreed in the Framework Agreement initialled in March 2012. In this regard, Council requests the Commission, in close collaboration with the United Nations and relevant agencies, to design a monitoring mechanism to verify compliance by both Parties;

(vii) implementation of pending aspects of the 20 June 2011 Agreement on Temporary Security and Administrative Arrangements for the Abyei Area, in particular the redeployment, within two weeks, of all Sudanese and South Sudanese forces out of Abyei. Council requests UNISFA to report on compliance with this decision, for further action by Council as necessary;

13. Urges the Parties to resume negotiations unconditionally, under the auspices of the AUHIP and with the support of the Chairman of IGAD, within two weeks, at a time to be set by the Panel in consultation with relevant international partners, to reach agreement on the following critical issues:

(i) arrangements concerning oil and associated payments;

(ii) the status of nationals of one country resident in the other, in accordance with the Framework Agreement initialled in March 2012;

(iii) resolution of the status of the disputed and claimed border areas and the demarcation of the border; and

(iv) the final status of Abyei.

14. Decides that these negotiations must be concluded within three months of the adoption of this decision. Should these negotiations fail to result in an agreement on any or all of the issues identified above within the allotted time frame of three months, Council requests the AUHIP to submit to it a comprehensive report on the status of the negotiations, including detailed proposals on all outstanding issues, to be endorsed as final and binding solutions to the post-secession relations. Council

undertakes to seek the endorsement of, and support by, the United Nations Security Council of the same;

15. Further decides that failure by either Party to implement the provisions of the road map outlined in paragraph 12 above, or to cooperate in good faith with the Panel towards the conclusion of the negotiations on the outstanding issues as enumerated in paragraph 13 above, will result in Council taking appropriate measures, as provided for in the Peace and Security Council Protocol and the Constitutive Act of the AU, and to seek the support of the United Nations Security Council and all AU partners to measures it may take;

16. Reiterates AU's conviction that there can be no military solution to the conflict in Southern Kordofan and Blue Nile, and stresses therefore the urgent need for a political and negotiated solution, based on respect for diversity in unity. Council requests the Government of the Sudan and the SPLM-North to extend full cooperation to the AUHIP and the Chair of IGAD, to reach a negotiated settlement on the basis of the Framework Agreement on Political Partnership between NCP and SPLM-N and Political and Security Arrangements in Blue Nile and the Southern Kordofan States. Pending the convening of talks by the AUHIP, Council calls on the Government to accept the tripartite proposal submitted by the African Union, the United Nations and the League of Arab States to permit humanitarian access to the affected population in the two areas;

17. Requests all AU Member States to support and abide by this decision, bearing in mind the provisions of article 7 (2 and 3) of the Protocol Relating to the Establishment of the Peace and Security Council, under which Member States agreed that, in carrying out its duties, Council acts on their behalf, and undertook to accept and implement the decisions of Council, in accordance with the AU Constitutive Act;

18. Requests the Chairperson of the Commission to transmit this decision to the United Nations Security Council, as well as to all other AU partners. Council seeks the support of the Security Council and its endorsement, under Chapter VII of the Charter of the United Nations, of the road map in paragraphs 12 and 13 above. Council also requests the Chairperson of the Commission, in consultation with the Secretary-General of the United Nations, to urgently convene a meeting of the Sudan and South Sudan Consultative Forum to mobilize its full support for the present decision and agree on practical ways and means for the implementation of its relevant provisions;

19. Further requests the Chairperson of the Commission to follow up on the implementation of this decision and to take all steps deemed necessary to this end, including interaction at the highest level with the Sudanese parties, involving as appropriate relevant AU organs, including a visit to both countries by a delegation of Council;

20. Looks forward to the submission by the Chairperson of the Commission of monthly factual reports on the evolution over the situation on the ground and compliance by the Sudan and South Sudan with the relevant provisions of this decision, the status of the negotiations on all pending issues and efforts to mobilize increased support from the international community in order to enable it take appropriate decisions as may be called for by the evolution of the situation;

21. Decides to remain actively seized of the matter.

Enclosure 4

[Original: English]

Report of the Chairperson of the Commission on the situations in Guinea-Bissau, Mali and between the Sudan and South Sudan

I. Introduction

1. Over the past weeks, different regions of the continent have faced serious crises. Since mid-January 2012, Mali has faced an armed rebellion in the north of the country. This comes in addition to the actions of the terrorist and criminal groups which have been operating in that region for several years now. The situation was compounded by the coup d'état of 22 March, which overthrew the democratically elected President, Amadou Toumani Toure, a little more than a month before the presidential election which was scheduled to take place on 29 April 2012. In Guinea-Bissau, a country which finally appeared to have emerged from the chronic instability that had marked its history since independence, the army overthrew the civilian authority on 12 April 2012. This new coup d'état took place while preparations were under way for the second round of the presidential election, then scheduled for 29 April, following the death of President Malam Bacai Sanha. Finally, the Sudan and South Sudan, in spite of the sustained efforts made by the AU, with the support of the international community, have not been able to rise to the level of the hope generated by the successful holding of the referendum for self-determination and subsequent independence of South Sudan. The two countries are today trapped in a logic of war, which is destabilizing them, the region and the rest of Africa.

2. In Mali and Guinea-Bissau, the coups d'état that have taken place there call into question the principle of the rejection of unconstitutional change of government. Those developments constitute a serious setback for the democratic process initiated since the 1990s, while also highlighting the need to further enhance the deterrence potential of the instruments adopted by the AU on unconstitutional changes of government. As pointed out above, the situation in Mali is coupled with a serious violation of what is undoubtedly one of the most fundamental principles of our Union, that is, the principle of respect for the borders existing at the time of independence and the unity and territorial integrity of Member States. In the Declaration adopted by the 16th Ordinary Session of the Assembly of the Union, held in Addis Ababa, on 30 and 31 January 2011, following the referendum for self-determination in South Sudan, the Heads of State and Government clearly pointed out that the situation of the Sudan was an exceptional case and did not, in any way, call into question the sacrosanct principle of respect for the borders inherited at the accession to independence by African countries. Regarding the relations between the Sudan and South Sudan, we are facing the challenge of non-respect of the principle of good neighbourliness and a test for the universally accepted objective of two viable States living side by side in peace.

3. Africa has reacted firmly to all these crises, affirming clearly the principles to be applied and endeavouring to find solutions within the limits they prescribed. I would like to express the deep appreciation of the AU to the Economic Community of West African States (ECOWAS) and to the Intergovernmental Authority for Development (IGAD) for the sustained efforts they deploy, in conformity with the

provisions of the Protocol of the Peace and Security Council which articulate the division of labour and complementarity of efforts between the continental and regional levels in the promotion of peace, security and stability. The AU, pursuant to its responsibilities, continues to support these efforts and take all necessary initiatives to hasten their successful conclusion.

4. It is imperative, considering the principles in question and what is at stake for peace and security on the continent, to enhance the effectiveness and the credibility of the efforts made and mobilize greater support from the international community. Africa cannot simply accept that the principles underlying the Constitutive Act be violated in such a flagrant manner and cannot reconcile itself with the persistence of the crises faced by Guinea-Bissau and Mali, as well as with the logic of war which characterizes the relations between the Sudan and South Sudan. An enhanced and more coordinated collective action is more necessary than ever. This is why, basing myself on article 10 (2a) of the Protocol relating to the Establishment of the Peace and Security Council, which allows the Chairperson to draw the attention of Council to any matter which in his or her view could jeopardize peace, security and stability on the continent, I have taken the initiative to convene this meeting.

5. The present report comprises three major sections focusing on Guinea-Bissau, Mali and the situation between the Sudan and South Sudan. Each section sums up the most significant developments that have taken place over the past weeks and the efforts made to find solutions to the different crises under consideration. The report concludes with recommendations on the way forward, with the view to enhancing the effectiveness of the collective African action and strengthening the ownership, by the continent, of the process to resolve the crises affecting it and its leadership in the efforts made to this end.

II. Situation in Guinea-Bissau

6. Over the past years, the situation in Guinea-Bissau appeared to be evolving in an encouraging direction, ending the cycle of chronic instability, including several political assassinations, which marked the political history of the country since independence. At the same time, the country was in the throes of heightened social tension due to the increase in the price of commodities, the reactions to the inquiries into the political assassinations of June 2009 and the acts of military indiscipline of 26 December 2011. However, following the death, on 9 January 2012, of President Malam Bacai Sanha, the Speaker of the National Assembly, Raimundo Pereira, was sworn in as acting President, in accordance with the relevant provisions of the Constitution of Guinea-Bissau, pending the organization of the early presidential election.

7. The first round of the presidential election was organized on 18 March 2012. It was considered to be free and fair and credible by all the international observers, including those of the AU. Carlos Gomes Junior came first. However, five of the eight other candidates rejected the provisional results and demanded the complete annulment of the vote, as well as the urgent organization of a reliable national census for the holding of free, fair and credible elections. Both the National Electoral Commission (CNE) and the Supreme Court rejected their claims. The second round of the election was fixed for 29 April 2012 with Carlos Gomes Junior, on the one side, determined to go to the second round, and the coalition of

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the five candidates, equally determined to obtain the annulment of the vote, the electoral process reached an impasse.

8. In the meantime, the issue of cooperation between Angola and Guinea-Bissau, in general, and that of the military and security cooperation, in particular, emerged in the political debate between the two rounds, thus bringing the presence of the Angolan Technical Military and Security Mission in Guinea-Bissau (MISSANG-GB) to the forefront. The presence of MISSANG, which was deployed within the framework of the ECOWAS-CPLP (Community of Portuguese-speaking Countries) Road map on the Defense and Security Sector Reform, highlighted the difficult relations between the constitutional authorities and the army. There was a showdown between the Government and the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC), which continued to reaffirm their determination to maintain MISSANG, and the military hierarchy, which also was adamant to obtain its withdrawal and to oppose the deployment of any international interposition force. In order to defuse the electoral crisis, and on the basis of the decision taken by the Extraordinary Session of the ECOWAS Summit held in Abidjan on 27 March 2012, President Alassane Dramane Ouattara, Current Chairman of ECOWAS, dispatched, on 31 March 2012, a joint high-level ECOWAS-AU-UN fact-finding mission to Guinea-Bissau. Angolan officials also visited Guinea-Bissau. Following those visits, the principle of the withdrawal of MISSANG was accepted. In a letter dated 4 March 2012, the Permanent Mission of Angola to the AU confirmed the decision on the withdrawal of MISSANG, while reiterating the commitment of the Angolan Government to pursue its contribution to the efforts of stabilizing the situation in Guinea-Bissau.

9. On 12 April 2012, the military seized power, arresting Acting President Raimundo Pereira, and Carlos Gomes Junior, the Prime Minister, who led in the first round of the presidential election. Presenting themselves as the "Military Command", the perpetrators of the coup d'état, in their first communiqué of 12 April, stated that they were not interested in power, justifying their action as a reaction to the decision of the Government to call on a foreign force, a position reaffirmed in the communiqués that followed. It was only on 13 April, after a meeting held at its initiative with the opposition political parties on the same day, that the said "Military Command" revealed its true face and disclosed its real intentions. It affirmed that it was detaining the Acting President of the Republic, the Prime Minister, the Chief of Defense Staff, the Ministers of Interior and of Trade, and requested the political parties to make proposals for a "new political architecture".

10. The coup d'état was strongly condemned by the AU, ECOWAS, the United Nations, the European Union (EU), the International Organization of La Francophonie (OIF), the CPLP, and other bilateral and multilateral partners. The 318th meeting of Council, held on 17 April 2012, decided to suspend the participation of Guinea-Bissau in all the activities of the AU until the restoration of constitutional order, and demanded the continuation of the electoral process with the organization of the second round of the presidential election. Council demanded the immediate and unconditional release of sequestrated political personalities, as well as the preservation of their dignity and physical integrity. Council requested the Commission, in consultation with ECOWAS, to submit to it, for decision, proposals on additional sanctions against the perpetrators of the coup d'état and their military and civilian supporters, including a travel ban, asset freeze and other measures. Council also requested me to undertake consultations with ECOWAS, the CPLP, the United Nations and other

partners for the establishment of a mission that would continue the work started within the framework of the implementation of the ECOWAS-CPLP Road map, particularly those aspects relating to defence and security sector reform, including the possibility of deploying a new international stabilization operation.

11. On 16 April, the Chairman of ECOWAS sent a second mission to Guinea-Bissau. The mission met with the representatives of the "Military Command" and those of the political parties and some personalities of civil society. To all its interlocutors, it recalled, in strong terms, the ECOWAS "zero tolerance" policy for military coups d'état, the demand for the restoration of constitutional legality and the release of detained personalities. The mission also pointed out that ECOWAS was ready to set up a military force for peace. The "Military Command" said it "accepted" the principle of speedy restoration of constitutional legality on condition that Carlos Gomes Junior did not resume his post of Prime Minister and would not stand as candidate for the presidential election. It also pledged to release the political prisoners, "as soon as the security conditions were met".

12. Subsequently, the "Military Command" organized a meeting of a "Forum of political parties on the coup d'état of 12 April 2012" and established two committees: a Social Committee in charge of economic matters and the management of the day-to-day affairs, and a Diplomatic Committee in charge of explaining the reason of the coup d'état. The negotiations, held on 14 April between the "Military Command" and the political parties of the minority parliamentary opposition led to the signing, on 18 April, between the two parties, of the "Protocol on the establishment and management of constitutional and democratic order". This Protocol establishes a "National Transitional Council" for a period of two years, implying the de facto removal of the Acting President and the dissolution of Parliament. Manuel Serifo Nhamadjo, First Deputy Speaker of the People's National Assembly and one of the candidates opposed to the second round of election, was appointed the Chairman of the Transition, and Sori Djalo, First Vice-President of the "Parti de la Renovation sociale" (Social Renovation Party — PRS) and Second Deputy Speaker of the National Assembly, was appointed the Chairman of the National Transitional Council. PAIGC and eight other political parties, on their part, formed a front rejecting the coup d'état. Manuel Serifo Nhamadjo publicly refused the role of "Chairman of the Transition" for which he had been designated.

13. The AU and ECOWAS rejected the Protocol, considering it a futile attempt to legitimize the coup d'état. It should also be added that, in a presidential statement dated 21 April 2012, the United Nations Security Council, recalling its statement to the press of 13 April 2012 and its strong condemnation of the coup d'état, rejected the unconstitutional establishment of the "National Transitional Council" by the military leaders and their supporters. The Security Council demanded the immediate restoration of constitutional order and the reinstatement of the legitimate government, as well as the immediate and unconditional release of the high-level personalities detained. In this regard, the Security Council welcomed the decision of the AU to suspend Guinea-Bissau until the restoration of constitutional order. The Security Council encouraged the AU, ECOWAS and the CPLP to coordinate their efforts and urgently called on the partners of Guinea-Bissau and the United Nations Secretary-General to support their efforts. The Security Council stated its readiness to consider other possible measures, including the imposition of targeted sanctions against the authors of the military coup d'état and their supporters if the crisis was not resolved. The Security Council took note of the decision of the AU to hold

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consultations with ECOWAS, the CPLP, the United Nations and other partners on the new means that may be required to stabilize the country, in consultation with the legitimate Government of Guinea-Bissau.

14. Through the coup d'état of 12 April, the army of Guinea-Bissau aims to impede the electoral process and prevent the assumption of power by Carlos Gomes Junior, who, considering the results of the first round, is likely to win the polls. Thus, Guinea-Bissau is, once again, caught up in instability, making it even more difficult to pursue the efforts to establish the rule of law and consolidate democracy, promote development and fight against drug trafficking and organized crime. The illegal and repeated interference of the army of Guinea-Bissau in the political life of the country is unacceptable. Coming in addition to drug trafficking, for which Guinea-Bissau has become a hub, it is a serious threat to regional security and stability. No effort should be spared to put a definitive end to this situation, particularly through the resolute implementation of the defence and security sector reform and the actual subordination of the army to the democratically elected civilian authorities.

III. Situation in Mali

15. There are two dimensions to the Malian crisis. The first relates to the attacks carried out since mid-January 2012 by the "National Movement for the Liberation of AZAWAD" (MNLA) against the army and the State of Mali. Composed essentially of former combatants of the Libyan army, who returned from Libya following the overthrow of the regime of Colonel Qaddafi, the MNLA took full advantage of the proliferation of the arms coming from the Libyan arsenals to equip itself. The initial attacks of the MNLA enabled it to take control different areas in the north of the country, particularly Meneka and Aguelhok, where serious exactions were carried out against Malian soldiers and their families, as well as the strategic area of Tessalit, which has an airport that can accommodate large aircraft. Since the end of March, taking advantage of the confusion created by the coup d'état, the MNLA and other terrorist and armed groups, including Harakat Ansar ed-Din al-Salafiya (Ansar Eddine), Al-Qaida in the Islamic Maghreb (AQIM) and the Movement for Unity and Jihad in West Africa (MUJAO), increased their attacks, finally taking control of almost two thirds of the Malian territory. On 6 April 2012, the MNLA "proclaimed the independence of Azawad".

16. To justify their action, the perpetrators of the coup d'état of 22 March 2012 blamed the deplorable conditions of the army, which made it impossible to effectively face the rebellion in the north of the country. Following the overthrow of the constitutional authorities, they established a National Council for the Recovery of Democracy and the Restoration of the State (CNRDRE). The aim of the latter was to reorganize the Armed and Security Forces in order to take back the northern part of the country and to organize democratic, free and fair elections. Almost the entire political class of Mali condemned the coup d'état, deemed unjustified, more especially since the presidential election, in which the outgoing President could not participate, was due to be held on 29 April 2012. The coup d'état took place the day after the ministerial meeting of Council in Bamako, dedicated to the situation in the Sahel, during which important decisions were taken concerning the situation in the northern part of Mali and the ways and means to resolve it quickly.

17. The AU and ECOWAS reacted strongly to this situation and took a number of measures regarding the developments on the ground, as evidenced by the different decisions adopted by their relevant organs: decision Assembly/AU/Dec. 408 (XVIII), adopted by the 18th Ordinary Session of the Assembly of the Union, held in Addis Ababa, on 29 and 30 January 2012; final communiqué of the 40th Ordinary Session of the Authority of the Heads of State and Government of ECOWAS, held in Abuja, on 16 and 17 February 2012; communiqués (PSC/MIN/COMM(CCCXIV), PSC/PR/COMM(CCCXV), PSC/PR/COMM(CCCXVI) and PSC/PR/COMM (CCCXVII)) of the 314th, 315th, 316th and 317th meetings of Council held on 20 and 23 March 2012 and 3 and 12 April 2012; and the communiqués of the Extraordinary Summits of ECOWAS of 27 and 29 March and 2 April 2012. I issued several statements articulating the position of the AU and took, in consultation with the Chairman of the Union and ECOWAS, initiatives to contribute to the search for appropriate solutions and ensure the effective follow-up of the decisions of Council.

18. With regard to the developments in the north of Mali, the AU and ECOWAS strongly condemned the attacks of the armed and terrorist groups, reaffirmed their unwavering commitment to the respect for national unity, territorial integrity and sovereignty of Mali. At its 314th meeting, Council stressed the determination of the AU and of its Member States not to accept any violation of its principles and its rejection of recourse to armed rebellion in Mali, a country whose democratic institutions offered a framework for the expression of all legitimate claims, making it possible to find, through dialogue, solutions to the concerns of the different components of the Malian nation. Council reaffirmed its conviction that resorting to armed rebellion was a serious threat to the democratization processes on the continent, as well as to the stability and development of Africa and should, as such, be fought vigorously.

19. Consequently, Council demanded an immediate end to hostilities and requested the different rebel groups to engage, without delay, in the search for a peaceful solution to the crisis within the strict framework of the principles of the AU. Council expressed its commitment to actively support a "mediation process conducted by the neighbouring countries of Mali, particularly the core countries and especially Algeria, considering the crucial role that the country has always played in the search for solutions to this situation, as well as by ECOWAS", and requested me to determine, with the concerned actors, the modalities for the immediate implementation of such a process. Furthermore, Council requested me to take all necessary measures to mobilize the support of the continent and the international community as a whole for this process, including through the speedy establishment, under the aegis of the AU and the United Nations, of a Support and Follow-up Group comprising all the neighbouring countries, the relevant regional economic communities and the international partners concerned.

20. At its Extraordinary Summit of 27 March, ECOWAS decided to activate the planning process for a possible deployment of elements of its Stand-by Brigade, in order to contribute to the protection of the unity and territorial integrity of Mali, should its offer for dialogue with the MNLA, to find a solution to the rebellion in the north, go unheeded. ECOWAS also designated President Blaise Compaoré of Burkina Faso as its Mediator. At its 316th meeting, the Council endorsed that decision and requested the Commission to lend the necessary support to the efforts of ECOWAS, including by making available planning officers. The Council appealed to all the AU Member States and partners to give financial, logistic and

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other support to ECOWAS. Since then, the Chiefs of Staff of ECOWAS have met on several occasions to complete the required planning exercise, and have undertaken visits to Mali. Their recommendations were adopted by the Extraordinary Session of the ECOWAS Mediation and Security Council, held in Abidjan on 12 April 2012.

21. More specifically, Council requested the countries of the region, particularly those of ECOWAS and the core countries, as well as all other States, to do everything possible to prevent any flow of arms and combatants to the armed and terrorist groups operating in the north of Mali. In this regard, Council requested the Commission, in cooperation with the Commission of ECOWAS and the neighbouring countries, to work out mechanisms likely to ensure the effectiveness of this measure. Furthermore, Council decided to apply individual sanctions against the leaders and elements of the armed groups involved in the attacks in the north of Mali and abuses against the civilian population. Council requested the Commission, in cooperation with the Commission of ECOWAS, the core countries and the African Centre for the Study and Research on Terrorism (ACSRT), within a period of one month, to draw up a list of all the terrorist and other armed groups operating in conjunction with them on the territory of the Republic of Mali, in order to include them in the list of terrorist groups drawn up by the AU. Pursuant to these decisions, the Commission sent the necessary letters to the countries and institutions concerned to facilitate the establishment of the list of the armed and terrorist groups active in the northern part of Mali, as well as that of their leaders. I also wrote to the United Nations Secretary-General to bring to his attention and that of the Security Council the decisions thus adopted. The Commissioner for Peace and Security addressed a similar letter to the High Representative of the EU for Foreign Affairs and Security Policy.

22. On the ground, the frontline has stabilized south of Timbuktu, after the leadership of the rebellion stated, on 5 April 2012, that it had attained its territorial objectives and proclaimed, the following day, the "independence of Azawad". In a communiqué issued on 6 April 2012, I expressed the total rejection of the statement made by the MNLA by the AU, considering it as null and void. At its 316th meeting, Council endorsed my communiqué. The core countries, meeting in Nouakchott on 8 April 2012, also rejected this so-called declaration of independence. Several international actors also marked their disapproval and condemnation.

23. In the areas outside the control of the Malian State, clashes between the different armed groups have been reported. Beyond their fight against the Malian army, their objectives are divergent. The MNLA favours the so-called independence of Azawad, while Ansar Eddine aims at enforcing sharia law over the entire Malian territory and affirms that it has no secessionist agenda. MUJAO is a dissident branch of AQIM, bringing together armed elements of different terrorist and criminal groups from the region, including Boko Haram. AQIM, which has been present in the north of Mali for several years, now has greater latitude to pursue its terrorist activities, including the kidnapping of hostages for the purpose of collecting ransom. On 6 April 2012, staff of the Algerian Consulate in Gao were abducted by armed elements and taken to an unknown destination. In a communiqué issued on the same day, I strongly condemned those reprehensible acts against internationally protected diplomatic staff and premises, demanding the immediate release of all abducted persons.

24. The humanitarian situation is particularly alarming, more especially as Mali, like the other countries of the Sahel, is currently affected by a severe drought and a serious nutritional crisis. More than 160,000 persons have sought refuge in Mali's

neighbouring States: Algeria, Burkina Faso, Mauritania and Niger. There are also more than 107,000 internally displaced persons. The numerous acts of looting and violations of human rights in the north of Mali contribute to worsening forced displacement. At its 314th meeting, Council paid tribute to the neighbouring countries which host Malian refugees on their territories and contribute to the humanitarian efforts.

25. Both the ECOWAS and the AU strongly condemned the coup d'état of 22 March 2012, suspended the participation of Mali in their activities and adopted a number of sanctions, including economic and financial sanctions, individual measures such as a travel ban and assets freeze, to compel the perpetrators of the coup to restore constitutional order. In his capacity as Mediator, President Blaise Compaoré of Burkina Faso was requested to follow up on the efforts towards the restoration of constitutional order.

26. On 6 April 2012, the efforts of the Mediator led to the signing, in Bamako, of the Framework Agreement for the Implementation of the Solemn Commitment of 1 April 2012 between his representative, the Minister of Foreign Affairs and Regional Cooperation, Djibrill Yipènè Bassolé, and the leader of the CNRDRE, for the restoration of constitutional order in Mali on the basis of article 36 of the 1992 Constitution. In conformity with the provisions of that article, the Speaker of the National Assembly, following the resignation of the President of the Republic, was inaugurated as the Acting President with the task of organizing a presidential election within the constitutional timeline of 40 days. The Agreement stresses that, due to the exceptional situation obtaining in the country, particularly the constitutional crisis and the armed rebellion in the north, which seriously affect the normal functioning of the institutions, and the impossibility of organizing the election within the set deadline, it is necessary to arrange for a political transition leading to free, fair and democratic elections in the entire national territory. The parties agreed to set up transitional organs tasked to manage the country until the organization of a presidential election, comprising a Prime Minister, Head of Government, with full powers, and a Transitional Government of National Unity. They also agreed to prepare a road map for the transition, comprising a schedule, the operational tasks to be carried out, the modalities for organizing the elections, the revision of the electoral list, as well as the role and place of the members of the CNRDRE in the transition.

27. In conformity with the Framework Agreement, the ECOWAS Current Chairman, after consulting his colleagues, lifted the sanctions imposed on Mali at the Summit of 29 March 2012. On my part, in a communiqué dated 7 April 2012, I welcomed the signing of the Framework Agreement, paying tribute to Presidents Alassane Dramane Ouattara and Blaise Compaoré and the action of Minister Djibrill Bassolé. I urged all the Malian actors concerned to implement, in good faith, the Agreement concluded. At its 317th meeting, held on 13 April 2012, Council expressed satisfaction with the encouraging developments in Mali concerning the restoration of constitutional order and called upon all the actors concerned to scrupulously implement the other provisions of the Framework Agreement.

28. In accordance with the Framework Agreement, President Amadou Toumani Toure submitted his resignation on 8 April 2012. After the Constitutional Court noted the power vacuum, the Speaker of the National Assembly, Dioncounda Traore, was inaugurated as the Acting President on 12 April 2012. Subsequently, the different Malian stakeholders met in a Conference of the *"Forces Vives"*, in Ouagadougou,

on 14 and 15 April 2012, under the aegis of the ECOWAS Mediator. The Conference expressed support for the implementation of the Framework Agreement. On 16 April 2012, after consultations between the CNRDRE, the Acting President and the ECOWAS Mediator, Cheick Modibo Diarra was appointed as Prime Minister.

29. The situation obtaining at present in Mali is fraught with dangers for the stability and the unity of the country, but also for regional security. A coordinated and sustained action, involving both ECOWAS and the core countries, is urgently needed to complete the process of restoration of constitutional order and to address the situation in the northern part of the country. Regarding this latter point, the task is to reinstate, without delay, the authority of the Malian State over its entire territory, to put an end to the activities of the terrorist and criminal groups which are active on the ground and to respond, within the strict framework of the principles of the AU, to the structural causes of the recurrent rebellions in northern Mali. In general, the task is also to implement the conclusions of the meeting of experts of the countries of the Sahel region, held in Addis Ababa on 14 and 15 March 2012, as endorsed by Council at its ministerial meeting in Bamako. Those conclusions provide for a global strategy aimed at addressing, in the long term, the multidimensional challenges faced by the Sahel region.

IV. Situation between the Sudan and South Sudan

30. Relations between the Sudan and South Sudan have sharply deteriorated over the past weeks. In particular, there has been intense fighting between the armies of the two countries, mostly in and around Heglig. That conflict has poisoned relations between the two countries, generating a humanitarian crisis, undermining the viability of both States and jeopardizing the security of the entire region.

31. At its 317th meeting held on 12 April 2012, Council deliberated on the situation and adopted a communiqué outlining the steps that need to be taken to address the immediate crisis and create conditions for the resumption, under the auspices of the AU High-level Implementation Panel (AUHIP), of the negotiations on the outstanding issues in the post-secession relations between the Sudan and South Sudan. Other members of the international community, notably the United Nations Security Council, the EU, the League of Arab States and bilateral partners, such as China, France, the United Kingdom and the United States, have also pronounced themselves on the situation. The position of the members of the international community could be summarized as follows: South Sudan should withdraw its forces from Heglig; the Sudan should cease aerial bombardment of South Sudan; both Parties should cease support to rebel forces fighting against the other State. It is also necessary for the Parties to implement their existing agreements on security matters and to resume negotiations on all outstanding issues. In light of the most recent developments in Heglig and the statements by the Parties, I reiterate the AU's request for the Sudan and South Sudan to immediately implement the security agreements that they have reached under the facilitation of the AUHIP.

32. Since June 2010, the AUHIP has been facilitating negotiations between the Sudan and South Sudan on post-referendum and post-secession issues. These negotiations have addressed all the major issues of contention between the two States, and also the question of the armed conflict in the two areas of Southern Kordofan and Blue Nile, in the Sudan. Agreements have been signed on most of these issues, although implementation has fallen short of expectations. Fair and practical

proposals are on the table, or are ready to be put on the table, when the Parties are ready, for all the issues under discussion. The implementation of existing Agreements will significantly facilitate negotiations on the outstanding issues.

33. In March 2012, the two sides embarked on negotiations in an atmosphere characterized by a "new spirit" of cooperation, in pursuit of the shared objective of "two viable States". A delegation from South Sudan visited Khartoum, and preparations were made for a Summit meeting between President Omar Hassan Al-Bashir and President Salva Kiir Mayardit. Unfortunately, that spirit unravelled rapidly due to military actions in contravention of the 10 February 2012 Memorandum of Understanding on Non-Aggression and Cooperation, including supporting rebels in each other's territory and territorial transgressions by both sides. The military occupation of, and confrontation in, Heglig and neighbouring areas of Southern Kordofan, and the aerial bombardment of locations in South Sudan by the Sudan air force, have considerably damaged the prospects of resuming negotiations in a constructive spirit. The level of bitterness, anger and distrust on both sides has never been so high.

34. During the last round of the AUHIP-facilitated negotiations on security issues, earlier in April 2012, which was intended to establish the implementation mechanisms for the Memorandum of Understanding of 10 February, the Parties reached agreement on almost all issues. They agreed to withdraw any forces from the territory of the other State, to end support for each other's rebel groups and to activate the Joint Border Verification and Monitoring Mission (JBVMM), which is to be provided with logistical support and protection by the United Nations Interim Security Force for Abyei (UNISFA). Most importantly, the two sides agreed to immediately convene meetings of the Ad Hoc Committee which was set up to receive and investigate complaints by each side against the other. South Sudan agreed to the proposals, while the Sudanese delegation sought more time to consult in Khartoum.

35. The JBVMM and UNISFA are in a position to deploy immediately along the entire border. The Agreement on the Border Monitoring Support Mission, signed by the two Parties on 30 July 2011, required the establishment of a Safe Demilitarized Border Zone, 10 km on either side of the borderline, which shall constitute the area of operations for the JBVMM. In terms of the Agreement, the border that defines the JBVMM shall be the borderline of 1 January 1956. In case of the disputed areas of the border, deployment shall be defined by the administrative common borderline, and the two Parties shall prepare a map to this effect, it being understood that this line shall not prejudice the process of the resolution of the disputed areas along the border. However, the Parties have not been able to agree on the borderline, which has prevented the deployment of the JBVMM and the protection force of UNISFA. The activation of the JBVMM is crucial to fostering trust between the two Parties, reducing the incidence of security incidents along the border, and creating the conditions to return to negotiations on all outstanding issues.

36. The 2005 Comprehensive Peace Agreement (CPA) established the Technical Ad Hoc Boundary Committee (TABC), with the tasks of delineating and demarcating the border, including identifying any disputed areas and presenting the arguments of each Party to the Presidency for political resolution. The Boundary Committee agreed on five disputed areas. On 13 March 2012, the two Parties initialled an Agreement in Addis Ababa to begin demarcating the agreed areas of the border according to the recommendations of the TABC, and also agree on a process for resolving the

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disputed areas. The issue of the border clearly is closely related to the issue of security, and it is thus imperative that the two sides address it as soon as possible. The AU, through the AU Border Programme (AUBP), has been working with the Parties and with the AUHIP to assist them to address the matter in accordance with African best practice.

37. Negotiations concerning oil have proceeded on the basis that South Sudan will utilize the oil infrastructure in the Sudan to transport its oil to market, and for this it will pay a transit fee. Additionally, South Sudan will make a financial contribution to help fill the budget deficit in the Sudan emanating from the loss of revenue from the oilfields in the south at the time of South Sudan's independence. The Parties agreed to the principle that South Sudan's financial contribution would be transitional and would be one of three mechanisms to fill this gap, the other two of which would be the Sudan's own austerity measures and financial contributions from the international community. Negotiations on the oil issue were complicated by the question of arrears owed by each Party to the other, and by the unauthorized seizure and diversion of South Sudan's oil by the Republic of Sudan during December 2011 and January 2012, and South Sudan's subsequent decision to shut down its oil production.

38. The shutdown of oil production has created a new situation in which South Sudan does not have the finances with which it could make a contribution to the budget of the Sudan. The shutdown of production in Heglig, which until earlier this month provided nearly half of the Sudan's oil production, further complicates the issue. The Parties should be put on notice to avoid any further damage to the oil infrastructure of either country, which would constitute an assault on the prospects for economic development of the peoples of the Sudan and South Sudan, and would be wholly contrary to their repeated commitment to the principle of two viable States. At its 317th meeting, Council addressed this matter.

39. The immediate priority for Abyei is the implementation of the 20 June 2011 Agreement on Temporary Administrative and Security Arrangements. The outstanding matters are relatively minor and yet critically important for the normalization of life in Abyei, thereby laying the basis for a final settlement. The implementation of the Temporary Agreement is necessary for the return of internally displaced persons, who were displaced almost a year ago, and the normalization of the situation and livelihoods in the area for both residents and pastoralists. The international community has fulfilled its part of the Agreement, notably with the full deployment of UNISFA. The Parties should fulfil their commitments. In order for tension to be lessened, the most important steps now required are the redeployment of the remaining contingent of the Sudan Armed Forces from Abyei, numbering about 300, and the corresponding redeployment of armed South Sudan Police Force units. Additionally, neither Party should deploy additional forces in violation of the Agreement. It is also necessary to establish the Abyei Area Administration, which requires agreement on the head of the Abyei Legislative Assembly. I am pleased to report, however, that the Abyei Joint Oversight Committee (AJOC) is functioning.

40. A matter of considerable concern is the status of nationals of South Sudan who are present in the Sudan, and those of the Sudan who are in South Sudan. The "citizenship transitional period" expired on 9 April 2012, nine months after the independence of South Sudan. The main concern relates to the situation of the estimated 700,000 southerners in the Republic of Sudan. During the last nine months,

the Government of South Sudan was to have issued identity documents to its nationals in the Sudan, on the basis of which they could obtain residency documents and work permits. However, the necessary steps to regularize their status have not been taken, and, as a result, the southern citizens in the north have become not only de facto stateless, but are extremely vulnerable, given the tensions between the Sudan and South Sudan. I urge the Government of South Sudan to expedite the process of issuing the necessary documentation to its citizens in the Sudan, and the Sudan to extend the citizenship transitional period to enable this process to be completed.

41. In March 2012, the two Parties initialled a Framework Agreement covering the "four freedoms" of residence, work, travel and property ownership. This Agreement requires the two Parties to meet at ministerial level and to agree on an implementation mechanism. The Panel has received the assurance of President Al-Bashir that nothing untoward would happen to southern citizens in Sudan that would adversely affect their everyday life.

42. Another area requiring action is the conflict in the two areas of Southern Kordofan and Blue Nile. This is an internal matter to the Sudan, but given the history of the conflict in the two areas and their links to South Sudan, it is fair to assume that there can be no peace between the Sudan and South Sudan until this conflict is resolved. It is equally evident that there can be no military solution. In June 2011, the AUHIP convened talks between the Government of the Sudan and the SPLM-North on security issues and political partnership, resulting in a Framework Agreement signed by the Parties on 28 June 2011. Unfortunately, the Parties have not followed up on the Framework Agreement. The current situation demands that political talks resume immediately on the two areas without precondition, using the Framework Agreement of 28 June 2011 as a reference point. It also calls for a ceasefire and for the delivery of humanitarian assistance, in accordance with the tripartite initiative of the United Nations, the AU and the League of Arab States, especially in view of the fact that the rainy season will begin shortly.

43. The present state of the relations between the Sudan and South Sudan cannot be allowed to continue, for it would destroy any prospect of the emergence of two viable States, living side by side in peace, and would seriously undermine regional peace and security. I would like to emphasize, once again, that recourse to force will never bring about a lasting solution to the issues at hand. The peoples of the Sudan and South Sudan need to live in peace with one another and to cooperate, as their destinies are intertwined. Both Parties need to exercise the much-needed statesmanship and to be driven by a vision that takes into account the long-term interests of their countries and peoples, as well as by their responsibility towards the region, the rest of Africa and the larger international community. It is imperative that the present meeting of Council send a clear message to both the Sudan and South Sudan and articulate a clear road map that would facilitate the peaceful resolution of the current security issues and the resumption of negotiations on the outstanding issues in the post-secession relations between the Sudan and South Sudan. In this respect, continued unity of purpose and action among all members of the international community is necessary.

V. Observations

44. The present meeting of Council provides an opportunity to enhance continental efforts on the different situations under consideration. The coups d'état in Mali and

in Guinea-Bissau constitute real setbacks for these two countries and for Africa. They run counter to the evolution of Africa towards democracy. Everything must be done to restore constitutional order on the basis of the relevant instruments of the AU and ECOWAS, lest these bad examples be repeated elsewhere, with negative consequences on the stability of the continent and the viability of the democratic institutions of our different Member States. Similarly, Africa must show the necessary determination to preserve the unity and territorial integrity of Mali. Any failure in this regard will open the door for all sorts of adventure, encourage secessionist movements elsewhere and will further encourage armed violence. The armed clashes between the Sudan and South Sudan are also full of risk for both countries, the region and the continent as a whole.

45. With regard to Guinea-Bissau, it is important that Council reaffirm with force the demand for the restoration of constitutional order, the release of the political personalities detained by the army and the resumption of the electoral process. In this spirit, it is important to reiterate the total rejection by the AU of the delaying tactics of the perpetrators of the coup d'état, particularly the agreement concluded with some political parties on 18 April 2012, as a futile attempt to legitimize the seizure of power by force. In brief, Council must send an unequivocal message to the perpetrators of the coup d'état that their action is unacceptable and that Africa is determined to reverse it.

46. Council must renew its support to ECOWAS, which is actively seized of the matter, and commend the contribution of Angola to the efforts towards the defence and security sector reform, as well as the action of international partners, particularly the CPLP and the United Nations. The speedy resolution of the crisis in Guinea-Bissau requires close coordination between the different international actors concerned. I shall leave no stone unturned to facilitate this coordination both at the level of the Commission and the AU Liaison Office in Guinea-Bissau. In implementation of the decision of the 318th meeting of Council, I intend to intensify consultations with ECOWAS, the United Nations and the CPLP to facilitate the deployment of an international stabilization mission in Guinea-Bissau to carry out successfully the defence and security sector reform. Without such a reform, there can be no lasting stability in Guinea-Bissau, nor consolidation of the democratic process in that country. In the meantime, Council may wish to approve the immediate imposition of the sanctions decided at its 318th meeting, against the perpetrators of the coup and their military and civilian supporters.

47. Regarding Mali, Council may wish to welcome the efforts made by the Mediator, which led to the signing of the Framework Agreement, the inauguration of the Acting President and the appointment of the Prime Minister. It is understood that ECOWAS and the AU must remain vigilant to ensure the effectiveness of the restoration of constitutional order, in conformity with the provisions of the relevant instruments of the AU and ECOWAS. The recent arbitrary arrest, followed by their release, a few days after, of several Malian political and military personalities constitute, particularly in the present context, a source of deep concern. It is particularly important that a speedy solution, in line with the AU and ECOWAS instruments, be found to the issue of the status of the Acting President after the 40 days provided for by article 36 of the February 1992 Constitution, the duration of the transitional period and the full powers devolved upon the transitional Prime Minister.

48. Regarding the situation in the north of Mali, the Council should reaffirm the commitment of the AU to the unity and territorial integrity of Mali and its determination to spare no effort to ensure its protection and fight against the armed and terrorist groups active on the ground. It is particularly important to reaffirm the total rejection of the so-called "declaration of independence of Azawad" and stress with force the rejection by the AU of the use of violence, while the institutions of Mali offer the framework that make it possible to put forth, through dialogue, all legitimate claims. Council should, within this framework, support the efforts of ECOWAS and the decisions it adopted on the matter, as well as the action of the core countries in the fight against terrorism in the Sahelo-Saharan region.

49. In pursuit of the objectives that Africa has laid down concerning the situation in north Mali, particularly the immediate restoration of the authority of the Malian State over its entire territory, it is important for the core countries and ECOWAS to work closely together. Equally crucial is the mobilization of the full support of the international community for the principled position of Africa on this matter. From this point of view, the activation of the Support and Follow-up Group, which will hold its inaugural meeting in Abidjan on 4 May 2012, will enhance African collective action and mobilize increased international support. At the same time, the Commission will endeavour to finalize, as soon as possible, the modalities for the application of sanctions already decided upon against the armed and terrorist groups active in northern Mali. In general, it is important to follow up more effectively on the conclusions of the meeting of experts on the situation in the Sahel, held in Addis Ababa on 14 and 15 March 2012, as endorsed by the meeting of Council held in Bamako.

50. Finally, regarding the Sudan and South Sudan, it is critical that the two countries immediately implement the security agreements that they have reached under the facilitation of the AUHIP, with the support of IGAD and the United Nations, particularly the decision of the JPSM of 18 September 2011, which, inter alia, established the JBVMM. Equally important is the need for the Parties to refrain from inflammatory statements, which not only complicate the current and delicate situation, but also undermine the prospects for neighbourly relations between the two States and their peoples. The two Parties should also immediately and unconditionally resume negotiations, under the auspices of the AUHIP, to reach agreements on all outstanding issues, as they relate to security, border demarcation, nationality and citizenship, Transitional Financial Arrangements (TFA), oil and Abyei, in accordance with the overriding principle of establishing two viable States in the Sudan and South Sudan.

51. In parallel, the Sudan and South Sudan each has urgent domestic business to which it must attend. These matters are essential for the viability of each State. Of particular importance is the need to resolve the conflict in Southern Kordofan and Blue Nile. The AUHIP and the Chair of IGAD, Prime Minister Meles Zenawi, who has consistently supported the Panel's efforts, are ready to facilitate the necessary negotiations. Without waiting for this process to be launched, I urge the Government of the Sudan to agree to the joint AU-Arab League-United Nations initiative for humanitarian access. South Sudan also faces challenges of nation-building, including intercommunal violence in Jonglei State and elsewhere, that require political attention, including promoting reconciliation.

52. Over the past few years, the AU, through the AUHIP, has engaged extensively with the Sudan and South Sudan. I have no hesitation in saying that the people of both nations need peace and good neighbourliness. The principle of "two viable States" is fundamentally an issue of the welfare of the people. The leaders of the two countries will be failing their peoples if they do not act in accordance with this principle. I am convinced that the Sudanese Parties, both in the north and in the south, are fully aware of this simple truth. For the future of their two countries and peoples, it is essential that they act on this basis without delay.